

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

In the Matter of)	
)	
2000 Biennial Regulatory Review --)	CC Docket No. 00-229
Telecommunications Service Quality)	
Reporting Requirements)	

COMMENTS OF THE PUBLIC UTILITY COMMISSION OF TEXAS

On November 9, 2000, the Federal Communications Commission (Commission) adopted a Notice of Proposed Rulemaking (NPRM),¹ seeking comment on proposals to streamline the current method of service quality reporting by large local phone companies. The NPRM generally proposes to reduce the number of categories of information gathered, seeks comment on additional information that may be useful, whether information on advanced services would be of benefit, and whether customers should have access to service quality data from carriers other than ILECs. The Public Utility Commission of Texas (PUCT), having jurisdiction over telecommunications services in Texas, herein provides its comments in response to the NPRM.

In summary, the PUCT believes that collection of basic uniform performance data is an appropriate role for the Commission to assume. In Texas, the PUCT collects more disaggregated retail performance data on key measures to monitor the customer-affecting activities of the local telephone companies. The benefit afforded by national data is the ability to compare performance in Texas with that in other states. Since its principal use by the PUCT is for state-to-state comparison, it is not necessary to have extensive reporting requirements; however, it is important to have a representative set of performance data capturing basic aspects of retail

¹ *Notice of Proposed Rulemaking*, CC Docket No. 00-229, FCC 00-399, released Nov. 9, 2000.

performance. Appropriate FCC reports allow regulatory and public scrutiny of service quality levels and trends, and the reporting requirements do not impose any undue burdens on the reporting carriers.

Service Quality and Competition

As indicated in the NPRM, section 11 of the Communications Act of 1934, as amended (the Communications Act), requires that the Commission conduct a biennial review of “all regulations that apply to the operations and activities of any provider of telecommunications service and determine whether any of these regulations are no longer necessary in the public interest *as the result of meaningful economic competition between providers of the service*” (emphasis added).² The regulations at issue in this proceeding allow regulators and other parties to evaluate the performance of dominant, facilities-based local exchange carriers in providing their retail and wholesale services. Consistency of the reported data throughout the nation is of particular benefit, allowing analysis longitudinally over time, as well as RBOC-to-RBOC and state-to-state analysis. The current ARMIS³ Reports 43-05 and 43-06 provide consistency and nationwide statistics that would be impossible for state regulators to collect independently.

The Commission seeks comment on the reasoning that competition in the telecommunications market should require less service quality monitoring. Competition in the local exchange market is emerging slowly, and despite extensive regulatory efforts, meaningful economic competition is several years from becoming a reality. The PUCT does not so much

² 47 U.S.C. § 161.

³ Automated Reporting Management Information System, *see NPRM* footnote 4.

disagree with the Commission's rationale, but rather with the timing of the proposal. If local retail telephone service customers were to have multiple independent local carriers available to them on a widespread basis, the Commission's proposals to reduce and retarget the monitoring program might be appropriate. However, even in Texas – where we have undertaken an aggressive program to implement the competitive provisions of the 1996 Act – incumbent carriers serve over 90 percent of the local access lines in the state, and in the vast majority of Texas communities, customers can only choose between an incumbent local carrier and a small number of resellers. Likewise, long distance carriers rarely have a choice of wholesale facilities-based carriers for origination or termination of long distance calls in Texas communities.

The Commission's use of the airline industry as an example of customer education and protection is interesting, since competition in that industry has driven the need to *create* the reporting of basic comparative retail performance data. The DOT's airline reporting system appears to be of the greatest benefit to customers in communities where there are a sizeable number of competitive long-range airlines.

The PUCT also regulates the electric power industry in Texas. Like the telephone industry, significant progress toward industry restructuring is occurring in electricity. One key aspect of a regulator's role in times of transition is to ensure that basic service levels do not degrade. The only objective way to do this is to collect basic performance data from the carriers and monitor such performance to guard against backsliding.

Disaggregation of Information

Aggregation is the enemy of thorough analysis. The PUCT urges the Commission to continue disaggregation of residential and business data, and urban (MSA) and rural data. The current measures in ARMIS Reports 43-05 and 43-06 show each regional operating company, and each state (study area) within the company. Even statewide averaging “masks” potential areas of concern, although state results allow high-level comparison. As noted above, the PUCT obtains data disaggregated by exchange on its key retail performance indicators. Likewise, monthly data are more revealing than quarterly data, and so forth. Longitudinal data analysis has been a useful tool in viewing trends in service performance. Contrary to the USTA assertions described in ¶28 of the NPRM, there are clear differences between the reported performance of carriers in MSAs and non-MSAs.⁴ If a state uses the FCC's disaggregated data in its oversight of carrier service quality, it should be provided; otherwise statewide averages should be sufficient. The PUCT seeks such information independent of the FCC reporting requirements thus, it would not need its carriers to disaggregate in accordance with the FCC's requirements.

Types of Reporting Entities

The PUCT requires competitive local telephone companies to affirm, prior to certification, that they will follow the service quality standards contained in the PUCT's rules. Competitive carriers are not, however, required to file periodic reports showing their level of service quality. The PUCT does not believe it is imperative that competitive carriers file the same type of reports as dominant carriers until and unless they acquire sufficient market share to

⁴ For example, see Table 9.1, *Universal Service Monitoring Report*, CC Docket No. 98-202, September 2000.

merit such collection. It seems likely that a competitive carrier would voluntarily collect its performance statistics and make them publicly available.

New Services

Most states have adopted service quality standards for *basic* telephone services. Customers are increasingly interested in obtaining deployment and customer service information on broadband services.. The recent collection of data to evaluate the deployment of broadband services was extremely useful, and we urge that such deployment reporting be continued.

However, the data collection and reports on broadband deployment did not address the issue of service quality within the broadband services. As the Commission states, there is no “systematic source of service quality information on DSL or other advanced services”. Nevertheless, numerous media accounts have led to a growing perception that customers are having undue service quality difficulties in obtaining DSL.⁵ These reports indicate that DSL service quality issues mirror those which the Commission proposes to monitor for basic voice telephony (POTS): missed installations, long installation intervals, line troubles, missed repair appointments and long repair intervals.

The PUCT has recently added performance indicators that track SWBT’s DSL performance as a wholesale provider of services to resale and UNE service providers. These measures track average installation intervals (PM 55.1-01 to 55.1-04), missed due dates (PM 58-09 and 58-10), trouble reports with 30 days (PM58-08 and 58-09), avg. delay days for missed

⁵ See, e.g., Romero, “DSL Service for Linking to Internet is Problem Ridden”, New York Times, Dec. 28, 2000, p.1; Ahles, “Some North Texans who rushed to obtain high-speed Internet connections are instead playing a waiting game”, Fort Worth Star Telegram, Sept. 3, 2000, p.1.

due dates (PM 62-09 and 62-10) and trouble report rates (PM 65-08 and 65-09). While the PUCT collects this data from SWBT to monitor compliance with Section 271 wholesale obligations, this data is not currently available to customers nor would it directly track a retail provider's performance for the end use customer.

Nevertheless, consumers appear to be extremely interested in obtaining this information in order to select an appropriate provider. The Commission should consider collecting DSL and other applicable advanced services data set similar to that collected for basic voice telephony.

Frequency of Reporting

The NPRM seeks comment on whether it would better serve customer protection goals to collect service quality information more frequently than the current annual reporting of ARMIS. The PUCT collects its own retail performance data quarterly. Because our use of FCC national data is to compare a carrier's performance in Texas with its performance elsewhere, a quarterly or annual requirement is sufficient for our purposes.

Interexchange Carrier Data

The Commission seeks comment on the continuation of trunk blockage reporting for interexchange carrier trunk groups (ARMIS 43-05, Table III). The PUCT agrees with the logic expressed in the NPRM concerning this portion of the report; i.e., that this type of data may be monitored by long distance carriers without regulatory involvement. The PUCT does not currently use the information in that table, and would agree that its collection could be discontinued without significant harm.

Network Reliability Data

The NPRM seeks comment on the continued collection and reporting of network reliability data such as switching outages as a part of ARMIS Report 43-05, Table IV and IV-A. Competitive pressures to achieve network reliability in today's marketplace have not yet sufficiently replaced the need for reporting of network reliability data. The PUCT views both of these reports as useful, and supports the continuation of these reports at this time. Of the two reports, however, the Report IV-A provides more useful information than Report IV. Report IV could be discontinued without significant effect, but Report IV-A should be retained.

Other Issues

The Commission proposes in the NPRM to limit service quality reporting to the areas of particular interest to consumers. The PUCT agrees that there may be some measures that are more easily recognized by consumers. Other, more esoteric measures, however, may be far more important in evaluating the operations and maintenance programs of the carriers. The PUCT believes that the measures on which it receives quarterly reports are sufficient to capture the carrier's retail performance: primary and regular service order installations and commitments; call delays to operators, repair, business office, and directory assistance; customer trouble reports, repair commitments, out-of-service trouble clearing time, and repeated trouble reports.⁶

The NPRM seeks comment on other types of service quality information that could be useful if collected. One area that was not addressed is the category of performance measures that have been adopted by several states dealing with local exchange carrier interconnection. Texas

⁶ see P. U. C. SUBST. R. 26.54.

has been one of the leading states in the development of performance measures and business practices that guide and measure activities by incumbent local carriers in dealing with their competitive counterparts. The PUCT is not suggesting that the Commission adopt a wide range of wholesale service quality reports at this time, but we observe that incumbents and their wholesale customers may be better served by having a single national set of basic, standardized measures. Monthly or quarterly data reported on these measures could form the basis for interconnection contract performance standards, liquidated damages or other performance incentives.

Burden on Carriers

In any reasonable analysis, the benefits of a program must be weighed against the cost of implementing or maintaining it. In this instance, it is unimaginable that senior managers of a telecommunications carrier could perform their duties without collecting the same measures that are reported in the ARMIS 43-05 and 43-06 reports. The sole cost should be in compiling and filing the information with the Commission. The PUCT would assert that the benefit of continued monitoring far outweighs the administrative cost to the carriers of collecting and submitting the information. If not provided for already, these reports should be able to be filed completely by electronic media

Conclusion

The Public Utility Commission of Texas is pleased to have the opportunity to provide comments on this important issue. We applaud the efforts of the Commission to review its rules and eliminate unnecessary reporting requirements, as we have done in Texas. It is appropriate to look to what data are necessary in the coming years for regulators and customers to have and to require that those data be periodically reported by carriers. Noting that there is already significant overlap, the PUCT recommends its own measures for consideration by the FCC.

Respectfully submitted,

**Public Utility Commission of Texas
1701 N. Congress Avenue
P. O. Box 13326
Austin, Texas 78711-3326**

January 11, 2001

**Pat Wood, III
Chairman**

**Judy Walsh
Commissioner**

**Brett A. Perlman
Commissioner**